

## 23 VAC 10-65. VIRGINIA PEANUT EXCISE TAX

~~23 VAC 10-65-10. Definitions.~~

~~The following words, terms and phrases are defined here for the tax imposed by Chapter 24 of Title 3.1 of the Code of Virginia only:~~

~~"Board" means the Virginia Peanut Board.~~

~~"Processor" means persons, individuals, corporations, partnerships, trusts, associations, cooperatives, and any other business entities which clean, shell or crush peanuts.~~

~~23 VAC 10-65-30. Processor liable for collection and payment of tax.~~

~~A. Generally. The processor of peanuts is liable for collecting and remitting the peanut excise tax to the Virginia Department of Taxation as regulated herein.~~

~~The processor must collect the tax on all peanuts purchased. All processors of peanuts must register with the Tax Commissioner for receiving the semi-annual return and reporting the peanut excise tax. Application for registration should be submitted to the Department of Taxation, Registration Unit, P.O. Box 1880, Richmond, VA 23282-1880.~~

~~B. Processor returns. The peanut excise tax returns must be filed by the processor semiannually. The return for the period January 1 through June 30 must be filed no later than July 10. The return for the period July 1 through December 31 must be filed no later than February 15 of the succeeding year.~~

~~C. Payment of tax by processor. Each processor must pay the peanut excise tax. The return, with applicable tax payment, is due by July 10 and February 15 of~~

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~~each year. The tax receipts shall be credited to the Peanut Fund. The return shall be filed with the Department of Taxation, P.O. Box 1880, Richmond, VA 23282-1880.~~

~~23 VAC 10-65-50. Penalty and interest on delinquent tax.~~

~~A. Generally. If the processor fails to timely pay the peanut excise tax when due, the Department of Taxation shall assess the taxpayer for the tax deficiency and add penalty. If the taxpayer fails to pay the assessment for tax and penalty within thirty days, interest shall be added from original tax due date.~~

~~B. Penalty on tax. The Department shall assess a penalty of five percent of the amount of unpaid tax. The penalty shall be collected as a part of the tax. The Department may waive all or part of the penalties if, in its discretion, good cause is shown by the taxpayer.~~

~~C. Interest on tax. If the taxpayer fails to pay the assessment of tax and penalty within thirty days from the date of assessment, the total assessment of tax and penalty shall bear interest at the rate determined in accordance with §58.1-15. The penalty and interest shall be assessed and collected as if a part of the tax.~~

~~23 VAC 10-65-60. Action to recover delinquent tax and interest.~~

~~If any person is delinquent in paying tax or interest, the amount shall be collected by civil action in the name of the Commonwealth. The person adjudged in default shall pay the cost of the civil action. The Tax Commissioner shall request the~~

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~~Attorney General to institute the civil action for collection in the proper court and such action shall be in the amount of the past due tax and interest.~~

~~23 VAC 10-65-70. [Reserved]~~

~~23 VAC 10-65-80. [Reserved]~~

~~23 VAC 10-65-90. Making false report or falsifying records a misdemeanor.~~

~~It shall be a misdemeanor if any processor knowingly files a false report to the Virginia Department of Taxation or falsifies his records on the quantity of peanuts subject to tax bought by him during any period.~~

~~23 VAC 10-65-100. Failure to make returns a misdemeanor.~~

~~Any person, subject to the peanut excise tax, who fails to file the excise tax return or fails to keep the required records shall be guilty of a misdemeanor.~~

~~Each month's failure to comply shall constitute a separate offense.~~